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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,187	10/25/2005	Eduardo Anitua Aldecoa	ANTUA4	6873
1444 7590 12/03/2008 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303				
EXAMINER				
EIDE, HEIDI MARIE				
ART UNIT		PAPER NUMBER		
3732				
MAIL DATE		DELIVERY MODE		
12/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,187

Applicant(s)

ANITUA ALDECOA, EDUARDO

Examiner

Heidi M. Eide

Art Unit

3732

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 5, 7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 6, 2008 has been entered.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 7 and 8 depend from cancelled claim 3, therefore is it unclear what limitations are trying to be claimed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-5 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorenzi (2002/0094508) in view of Danger (6,179,616) in view of Lazzara et al.

(6,290,499) further in view of Misch et al 6,608,480 (Misch). Lorenzi discloses a kit of motor-driven instruments comprising osteotomes of progressive diameters (par. 29), the osteotomes having an apical end, threaded conical section and a threaded cylindrical section, and an adjustment area (figure 1) in which connectors are engaged (par. 22), two drills of different diameters comprising ends for connection to a surgical motor (figure 2, par. 29), and connector for coupling to a dental drill or surgical hand wrench (par 22, 33) and the kit comprises a starter drill having an end section that is smaller in section than the osteotomes and an end for engagement to a surgical motor (par. 31). Lorenzi does not specifically teach the starter drill having a quadrangular section end. Danger is cited to teach a dental drill comprising a quadrangular-section end. It would have been obvious to one of ordinary skill in the art to have the quadrangular shape of the section end on the dental drill in order to have additional cutting edges or portions in view of Lorenzi. The modified set of instruments shows the limitations as described above and Lorenzi discloses adjustment area comprising a polygonal-section projection; however, they do not show the cylindrical projection section. Lazzara teaches instrument for fixing dental implants comprising dental component having an end capped by a cylindrical projecting section creating a circular recess 132 in which an O-ring seal 168 is housed. It would have been obvious to one having ordinary skill in the art to further modify the adjustment area to have the section of Lazzara et al. in order to secure components of the instruments. It would have been an obvious matter of choice to one of ordinary skill in the art to have a polygonal projection that is hexagonal instead of quadrilateral. The modified set of instruments shows the limitations as described

above; however, they do not show the connector comprising a blind axial recess and the second connector having a different cross-sectional shape than the first connector. Misch teaches the connectors having different cross-sectional shapes as illustrated in fig. 4A the connector for a motor driven instrument and in fig. 5, a manual driven instrument. Misch teaches instrument for fixing dental implants comprising connector having an end comprising a blind axial recess with a polygonal section incorporating the o-ring seal (figure 5). It would have been obvious to one having ordinary skill in the art to further include the features of Misch in the set of instruments in order to connect the working part of the instrument to a driving part.

Drawings

1. The drawings were received on October 8, 2008. These drawings are accepted.

Response to Arguments

Applicant's arguments filed October 8, 2008 have been fully considered but they are not persuasive. The applicant argues that Lorenzi does not teach a threaded conical section and a threaded cylindrical section as claimed in claim 1. However, as illustrated in fig. 1 of Lorenzi, the section from 15 to 19 is considered the threaded conical section and the section from 19 to 16 is considered the threaded cylindrical section. Even though Lorenzi teaches the section is tapered, it is still considered cylindrical. There are various types of cylinders including tapered cylinders as taught by Lorenzi. Further in response to the applicant's arguments that Lorenzi does not teach a first and second connector having different shape from each other, Misch is used to teach this limitation.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heidi M. Eide whose telephone number is 571-270-3081. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached at 571-272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Heidi Eide
Examiner
Art Unit 3732

/Heidi M Eide/
Examiner, Art Unit 3732

/John J Wilson/
Primary Examiner, Art Unit 3732

11/26/2008